

## **REMARKS**

### **I.      Introductory Remarks**

This is a full and timely response to the outstanding Non-Final Office Action mailed April 13, 2009. Through this response claims 1 – 3 and 13 have been amended, while claims 26 and 27 are newly added. Claims 1 – 18 and 26 – 27 are pending in the present Application. In view of the following remarks, reconsideration and allowance of the Application and presently pending claims are respectfully requested.

### **II.     Response to Rejection of Claims 13 – 18 Under 35 U.S.C. § 101**

#### **A.      Statement of the Rejection**

Independent claim 13 and dependent claims 14 – 18, which depend on independent claim 13, have been rejected under 35 U.S.C. § 101 for being unpatentable subject matter, although the specific rationale for this rejection is not cited in the Office Action.

#### **B.      Discussion of the Rejection**

While *In re Bilski*, 88 USPQ2d 1385, may create some new issues for the patentability of pure business methods without implementation in machines and without transforming an article from one state to another, *In re Bilski* still affirms the patentability of a software process implemented as a machine as well as processes that transform articles or materials from one state to another state. Applicants' independent claim 13 recites at least "means for saving each of the representative values to a configuration file" and "means for loading the configuration file to the first network device". Applicants submit that these elements of claim 13, and therefore claim 13 in its entirety, suffice to meet at least the machine characteristics for patentability as reiterated under *In re Bilski*. If the Examiner disagrees with this interpretation, then Applicants respectfully request that the Examiner particularly point out the reasons why Applicants' independent claim 13 does not meet 35 U.S.C. § 101 with specific reference to a legal standard different than the "machine or transformation" test as reiterated in *In re Bilski*. Accordingly, Applicants submit that independent claim 13 and dependent claims 14 – 18 and 27, which depend therefrom, are patentable subject matter under 35 U.S.C. § 101 at least as a machine

under the “machine or transformation” test that was reaffirmed in *In re Bilski*. Thus, Applicants respectfully request that the rejection of independent claim 13 as well as the associated dependent claims 14 – 18 and 27 be withdrawn.

**III. Response to Rejection of Claims 1 – 12 and 26 Under 35 U.S.C. § 103(a)**

**A. Statement of the Rejection**

Independent claim 1 and dependent claims 2 – 12 and 26, which depend on independent claim 1, have been rejected under 35 U.S.C. § 103(a) for being unpatentable over U.S. Patent No. 6,598,057 to *Synnestvedt et al.* (hereinafter *Synnestvedt*) in view of U.S. Patent No. 6,195,689 to *Bahlmann* (hereinafter *Bahlmann*). Applicants respectfully traverse this rejection and any official notices in the Office Action.

**B. Discussion of the Rejection**

According to the Non-Final Office Action of April 13, 2009, the combination of *Synnestvedt* and *Bahlmann* teach Applicants’ independent claim 1. For a proper rejection of a claim under 35 U.S.C. § 103(a), the combined cited references must disclose all elements, features and steps of the claim. Therefore, every claimed feature of the claimed invention must be represented in the applied references to constitute a proper rejection under 35 U.S.C. § 103(a). In the present case, not every feature of claim 1 is present in the combination of the *Synnestvedt* and *Bahlmann* references.

**1. Independent Claim 1**

Applicants have amended independent claim 1 to more clearly indicate the steps in the method. Independent claim 1 now recites:

1. A method for configuring a first network device in a communication network, comprising:
  - selecting at least one subset of a plurality of standardized network equipment configuration parameters, *each subset comprising a plurality of individual configuration parameters*;
  - representing each selected at least one subset by a *value of an associated grouping variable*;

saving each value associated with each grouping variable into a configuration file on a server, each value representing each selected at least one subset, thereby creating a configuration file that governs switches executed by the first network device to switch on and/or off the at least one subset of standardized network equipment configuration parameters according to each value representing the at least one subset *without including the plurality of individual configuration parameters contained in each selected subset*;

loading the configuration file from the server to the first network device; and

setting software switches within the first network device according to at least one of the values in the configuration file, thereby switching on and/or off subsets of standardized network equipment configuration parameters within the first network device according to at least one of the representative values in the configuration file.

*(Emphasis added.)*

Independent claim 1 is allowable over *Synnestvedt* and *Bahlmann* for at least the reason that *Synnestvedt* and *Bahlmann*, either individually or taken together, do not teach, disclose, or suggest “subset[s] comprising a plurality of individual configuration parameters”, each selected subset being represented “by a value of an associated grouping variable”, and “saving . . . into a configuration file . . . without including the plurality of individual configuration parameters contained in each selected subset” as recited in Applicants’ amended independent claim 1. Thus, independent claim 1 is allowable over the combination of *Synnestvedt* and *Bahlmann*.

Applicants respectfully request that the rejection of independent claim 1 be withdrawn.

**2. Dependent Claims 2 – 12 and 26**

Dependent claims 2 – 12 and 26 are allowable over the combination of *Synnestvedt* and *Bahlmann* as a matter of law because dependent claims 2 – 12 and 26 depend directly or indirectly on independent claim 1, which Applicants submit is allowable as stated above. See *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejections of dependent claims 2 – 12 and 26 be withdrawn.

**IV. Response to Rejection of Claims 13 – 18 and 27 Under 35 U.S.C. § 103(a)**

**A. Statement of the Rejection**

Independent claim 13 and dependent claims 14 – 18 and 27, which depend on independent claim 13, have been rejected under 35 U.S.C. § 103(a) for being unpatentable over *Synnestvedt* in view of *Bahlmann*. Based on the now amended independent claim 13, Applicants respectfully traverse this rejection and any official notices in the Office Action.

**B. Discussion of the Rejection**

According to the Non-Final Office Action of April 13, 2009, the combination of *Synnestvedt* and *Bahlmann* teach Applicants' independent claim 13. For a proper rejection of a claim under 35 U.S.C. § 103(a), the combined cited references must disclose all elements, features and steps of the claim. Therefore, every claimed feature of the claimed invention must be represented in the applied references to constitute a proper rejection under 35 U.S.C. § 103(a). In the present case, not every feature of claim 13 is present in the combination of the *Synnestvedt* and *Bahlmann* references.

**1. Independent Claim 13**

Applicants have amended independent claim 13 to more clearly indicate the system. Independent claim 13 now recites:

13. A system for configuring a first network device in a communication network, comprising:
  - means for setting each of at least one communication parameter variable to a value representing at least one subset of a plurality of standardized network equipment configuration parameters, *each value of the at least one communication parameter variable representing a plurality of individual configuration parameters*;
  - means for saving *each of the representative values to a configuration file without including in the configuration file the plurality of individual configuration parameters contained in the at least one subset*, thereby creating a configuration file that governs switches executed by the first network device to switch on and/or off

subsets of standardized network equipment configuration parameters according to each of the representative values; means for loading the configuration file to the first network device; and means for setting software switches within the first network device according to the representative values in the configuration file, thereby switching on and/or off subsets of standardized network equipment configuration parameters within the network device according to the representative values in the configuration file.

*(Emphasis added.)*

Independent claim 13 is allowable over *Synnestvedt* and *Bahlmann* for at least the reason that *Synnestvedt* and *Bahlmann*, either individually or taken together, do not teach, disclose, or suggest “each value of the at least one communication parameter variable representing a plurality of individual configuration parameters” and “saving each of the representative values to a configuration file without including in the configuration file the plurality of individual configuration parameters contained in the at least one subset” as recited in Applicants’ amended independent claim 13. Thus, independent claim 13 is allowable over the combination of *Synnestvedt* and *Bahlmann*. Applicants respectfully request that the rejection of independent claim 13 be withdrawn.

**2. Dependent Claims 14 – 18 and 27**

Dependent claims 14 – 18 and 27 are allowable over the combination of *Synnestvedt* and *Bahlmann* as a matter of law because dependent claims 14 – 18 and 27 depend directly or indirectly on independent claim 13, which Applicants submit is allowable as stated above. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejections of dependent claims 14 – 18 and 27 be withdrawn.

### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 – 18 and 26 - 27, are in condition for allowance. Favorable consideration and allowance of the present Application and all pending claims are hereby courteously requested.

If, in the opinion of the Examiner, there are any issues that can be resolved by telephone conference, or if there are any informalities that may be addressed by an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (678) 473-8416.

Respectfully submitted,

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